

Notice of Allowability

Application No.

10/689,313

Examiner

John H. Le

Applicant(s)

WANG, YONGDONG

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed 08/01/2005.
2. ☒ The allowed claim(s) is/are 50-119.
3. ☒ The drawings filed on 20 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>08/01/2005</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Response to Amendment

1. Applicant's amendment filed 08/01/2005 has been entered and carefully considered.

Claims 1-49 have been cancelled.

Claims 50, 52, 82, and 88 have been amended.

Claim 119 has been added.

Reasons for Allowance

2. Claims 50-119 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Please see the previous office action and applicant's argument filed on 12/22/2004, 05/13/2005, and 08/01/2005.

Regarding claim 50, none of the prior art of record teaches or suggests the combination of a method for calculating calibration digital filters for a Mass Spectrometry (MS) instrument system, wherein the method comprising the step of: obtaining, from a given calibration ion with its isotopes, at least one mass spectral peak shape function, and performing a deconvolution operation between the obtained at least one mass spectral peak shape function and the mass spectral target peak shape functions to obtain at least one calibration filter from a result of the deconvolution operation. It is these limitations as they are claimed in the combination with other limitations of claim, which have not been found, taught

Art Unit: 2863

or suggested in the prior art of record, that make these claims allowable over the prior art.

Regarding claim 82, none of the prior art of record teaches or suggests the combination of a method of processing raw mass spectral data, wherein the method comprising the steps of obtaining, from a given calibration ion with its isotopes, at least one mass spectral peak shape function, and performing a deconvolution operation between the obtained at least one mass spectral peak shape function and the mass spectral target peak shape functions to obtain at least one digital calibration filter from a result of the deconvolution operation. It is these limitations as they are claimed in the combination with other limitations of claim, which have not been found, taught or suggested in the prior art of record, that make these claims allowable over the prior art.

Regarding claim 88, none of the prior art of record teaches or suggests the combination of a method for obtaining at least one mass spectral peak shape function, wherein the method comprising the steps of: calculating, for a given calibration ion, relative isotope abundances and actual mass locations of isotopes corresponding to the at least one mass spectral peak; performing convolution operations on both calculated relative isotope abundances and measured isotope peak clusters using a same continuous function with a narrow peak width; and performing a deconvolution operation between the measured isotope peak clusters and calculated isotope peak clusters after said convolution operations to obtain the at least one mass spectral peak shape function in the presence of mutually interfering isotopes. It is these limitations as they are

Art Unit: 2863

claimed in the combination with other limitations of claim, which have not been found, taught or suggested in the prior art of record, that make these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John H Le whose telephone number is 571-272-2275. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

Art Unit: 2863

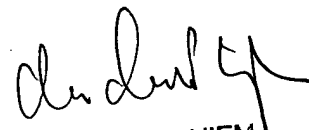
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John H. Le

Patent Examiner-Group 2863

August 5, 2005



MICHAEL NGHIEM
PRIMARY EXAMINER